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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,266	07/14/2003	Jianming Dong	AUS919990812US2	7059
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IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER TAN, ALVIN H	
			ART UNIT 2173	PAPER NUMBER
			NOTIFICATION DATE 04/01/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/619,266	<b>Applicant(s)</b> DONG ET AL.	
	<b>Examiner</b> ALVIN H. TAN	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Remarks*

1. This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 1/15/09. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

Claims 1-4, 6, and 33 have been examined and rejected. This Office action is responsive to the amendment filed on 1/15/09, which has been entered in the above identified application.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-4, 6, and 33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Regarding claims 1-4, 6, and 33, the claims are rejected for failing to fall within a statutory category of invention. The claims are directed to a graphical user interface which is a produced computer program. Thus, the claims are directed to the program itself, not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program, nor a manufacture structurally and functionally interconnected with the

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program in a manner which enables the program to act as a computer component and realize its functionality. It's also clearly not directed to a composition of matter.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1-4, 6, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Bolnick et al (U.S. Patent No. 5,838,317).

**Claims 1-4, 6, 33 (Graphical User Interface)**

5-1. Regarding claim 1, Bolnick teaches the claim comprising a first graphical user interface area for containing a first list of items to be sorted, by disclosing a display management system and method for arranging repositionable graphical representations corresponding to a set of computer resources [*column 2, lines 20-24*]. Graphical representations are arranged within frames, which is an area having boundaries for arranging contents [*column 6, lines 29-38*]. Thus, one of the frames, such as a desktop frame, contains items to be sorted by a user.

Bolnick teaches a second graphical user interface area for containing a second list of participants, by disclosing a dialogue box containing a list of previously saved, modifiable layouts [*column 17, lines 8-11*].

Bolnick teaches a third graphical user interface area for containing a plurality of third lists of items, the third graphical user interface area comprising a first sorting area for sorting the items in the first list of items, wherein each of the plurality of third lists of items comprises at least one item selected and removed from the first list of items by a participant in the second list of participants, and wherein each participant in the second list of participants has a corresponding plurality of third lists of items, wherein the third graphical user interface area displays the plurality of third lists of items that corresponds to a selected one of the participants in the second list of participants, by disclosing that a previously saved layout may be opened and edited [*column 17, lines 6-11*]. Icon frames located above the desktop contain icons of items that are sorted [*column 9, line 35 to column 10, line 20*]. Items are added to the frame by drag and drop [*column 12, lines 55-57*]. When a valid drop as occurred, the item is removed and added to the proper frame [*column 30, lines 15-47*]. Thus, for a selected layout, items residing in one frame such as the desktop frame may be added to various other frames to be sorted.

5-2. Regarding claim 2, Bolnick teaches the claim with respect to claim 1, further comprising a fourth graphical user interface area, the fourth graphical interface area comprising a second sorting area for creating a plurality of groups of third lists of items from the plurality of third lists of items and sorting the plurality of groups of third lists of items at a group level, by disclosing that while in a frame, items may be arranged by both grouping and sorting properties [*column 9, line 35 to column 10, line 20*]. Additionally, a minimized window frame allows for the arrangement of minimized

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windows. *[column 6, lines 48-61]*. These minimized windows may contain items that have been sorted by the user. The user can also save each layout created to a directory *[column 17, lines 12-20]*.

5-3. Regarding claim 3, Bolnick teaches the claim with respect to claim 1, wherein the corresponding plurality of third lists of items are displayed in an array of graphical user interface areas within the third graphical interface area, by disclosing that the items are organized as an array of records *[column 7, lines 62-67; column 15, lines 56-67]*.

5-4. Regarding claim 4, Bolnick teaches the claim with respect to claim 1, wherein the selected one of the plurality of participants is selected by highlighting a participant in the second list in the second graphical user interface area, by disclosing selecting a layout for editing *[column 17, lines 8-11]*.

5-5. Regarding claim 6, Bolnick teaches the claim with respect to claim 1, wherein the third graphical user interface area allows entry, display of, and direct manipulation of the items in the plurality of lists, by disclosing that items are added to frames by drag and drop *[column 12, lines 55-57]*.

5-6. Regarding claim 33, Bolnick teaches the claim with respect to claim 1, wherein selecting and removing at least one item from the first list of items by the participant in the second list of participants is performed by dragging the item from the first list of

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items to a one of the plurality of third lists, by disclosing that items are added to frames by drag and drop [*column 12, lines 55-57*].

### ***Response to Arguments***

6. The Examiner acknowledges the Applicant's amendments to claim 2, the cancellation of claim 5, and the addition of claim 33. Regarding independent claim 1, the Applicant alleges that Mayaud (U.S. Patent No. 7,072,840 B1), as described in the previous Office action, does not explicitly teach, "wherein each of the plurality of third lists of items comprises at least one item selected and removed from the first list of items by a participant in the second list of participants." Examiner has rejected independent claim 1 under 35 U.S.C § 102(b) as being unpatentable over Bolnick et al (U.S. Patent No. 5,838,317). Applicant's arguments with respect to claim 1 has been considered but are moot in view of the new ground(s) of rejection.

Applicant states that dependent claims 2-4, 6, and 33 recite all the limitations of the independent claims, and thus, are allowable in view of the remarks set forth regarding independent claim 1. However, as discussed above, Bolnick is considered to teach claim 1, and consequently, claims 2-4, 6, and 33 are rejected.

### ***Conclusion***

7. The prior art made of record on attached form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R §

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111(c) to consider these references fully when responding to this action. The documents cited therein teach similar systems for data entry of cluster analysis.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN H. TAN whose telephone number is (571)272-8595. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on 571-272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin H Tan/  
Examiner, Art Unit 2173